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100 Ga. 213, 62 Am. St. R. 320, 27 S. E. 986. Upon a mooted question of this kind, still apparently unsettled in New York, it would seem that these cases would be helpful. The liability of charitable corporations for torts is discussed on pp. 34-37, and seems not to have been passed on authoritatively in New York. The maxim, "*Actio personalis moritur cum persona*," with the statutory modifications in New York, is succinctly treated in a way that may be helpful elsewhere, on pp. 37-43. The question whether an injury to the person and to property resulting from the same tortious act, constitutes different causes of action, is affirmatively settled by *Reilly v. Sicilian Asphalt Paving Co.*, 170 N. Y. 40, from which an extensive quotation discussing the matter is given on pp. 45-48. The Employers' Liability Act of New York of 1902, Chap. 600, is given in full, pp. 67-70, without comment. The rule in such cases as *Barholt v. Wright*, 45 O. S. 177, 4 Am. St. R. 535, 12 N. E. 185, that each party who engages in a fight by mutual consent can recover for the damages inflicted by the other, and justified in COOLEY ON TORTS, 2d Ed., 187, is criticised. The abominable rule stated in *Hartfield v. Roper*, 21 Wendell, 615, that identifies a child *non sui juris* with his custodian, so he cannot recover for injuries admittedly due to the negligence of a third person, if his custodian was also negligent, is justly criticised, pp. 208-211, and a quotation given from SHEARMAN & REDFIELD ON NEGLIGENCE, 5th Ed., § 75, stating that the question has never been squarely before the Court of Appeals, and so is entirely open to review by that court. On this subject also New York seems to have a rule, different from that in most of the states, to the effect that the presumptions of the criminal law as to the capacity of infants apply to Torts—so "the legal presumption of *non sui juris* lasts until the infant has reached the age of twelve years," pp. 211-12.

For some reason, the author gives nothing on the Right of Privacy, nor on Labor and Trade Controversies, and the famous New York cases on these subjects—*Schuyler v. Curtis*, 147 N. Y. 434, 49 Am. St. R. 671; *Robertson v. Rochester Folding Box Co.*, 171 N. Y. 538, 89 Am. St. R. 828, followed by the statute of 1903, Chap. 132, and *Curran v. Galen*, 152 N. Y. 33, 57 Am. St. R. 496, and *National Protective Association v. Cumming*, 170 N. Y. 315, 88 Am. St. R. 648, are not referred to. These subjects deserve a place in the law of Torts. No table of cases is given. The index is good. The work will undoubtedly be valuable to any one wishing to make a hasty review of Torts, and especially of the New York law. A little broader treatment, with references to the excellent collections of cases—such as AMES and SMITH, BIGELOW, BURDICK, CHASE, and ERWIN (the author's own collection)—would make the work much more valuable to those outside of New York. The printing and appearance are excellent.

H. L. WILGUS.

A TREATISE ON THE LAW OF EXTRAORDINARY, INDUSTRIAL AND INTERSTATE CONTRACTS, by Darius H. Pingrey, LL. D., Professor in the Illinois Wesleyan University College of Law. Albany: Matthew Bender and Company, 1905, pp. viii, 944.

This work is divided into five parts—Freedom of Contract (178 pp.); Contracts in Violation of Law (106 pp.); Contracts Against Public Policy (109 pp.); Operation of Contract (246 pp.); Termination of Contract (128 pp.).

There are twenty-three chapters, the headings of which are: Right to contract; Insane persons; Infants; Contracts required to be in writing—Statute of frauds, included in part one. Agreements in violation of the common law; Agreements in violation of statute; Wagers and gaming contracts, in part two. What is public policy; Limiting liability for negligence; Obligations of quasi-public corporations; Restraint of trade; Industrial combinations; Trade unions, in part three. Contractual relations; Interstate contracts; Implied contracts; Assignments; Impairment of the obligations of contracts and the right to contract, in part four. Impossible contracts; Rescission of contract; Statute of limitations; Performance; Breach and discharge, in part five.

The titles to these parts and chapters are generally such as are found in works on contracts, and do not in any adequate degree indicate the character of the work. As the author says, "The advancement of material progress has developed contractual relations of vast and complicated nature," and text-books on Contracts "do not treat the subjects of contract of paramount importance to the welfare of the people. So, to meet this demand, it has been the endeavor to present the industrial side of this all-important subject."

It is only by calling attention to the titles of some of the sections that the extraordinary nature of the contract matters discussed in this work becomes apparent. For example, under the "right to contract," "payment of wages in scrip," "truck systems," and "eight-hour laws," are discussed. Other matters are: "bucket shops," "by-bidding at auctions," "sale of tickets by scalpers," "peonage contracts," "book-making and pool-selling," "trading stamps," "contracts payable in gold," "free passes," "liability of trades unions," "alien labor contracts," "bank pass books," "theater tickets," "bills of lading," "warehouse receipts." Many other miscellaneous and unusual matters relating to contracts of various sorts are included.

The subjects treated are so numerous that very few, if any, are exhaustively discussed. The author has been industrious to get together many authorities. There does not seem to have been much effort to arrange the matters logically, or develop the principles by a careful discussion and comparison of the decisions. There are numerous conflicts on many of the topics treated. These are carefully pointed out, and the author not infrequently, and without adequate discussion, states in a somewhat dogmatic way what the rule should be.

It is difficult to understand why some subjects are discussed where they are. For example, § 340 is entitled "Meeting of Minds—Right of Privacy." One paragraph of this section reads: "A voluntary payment made by one of a debt by another without his request creates no *assumpsit* on the part of the latter to the former, because a party cannot make another his debtor without the latter's consent. Under this head the question of the right of privacy comes. It has been decided that a party had no right to privacy in his photograph; that a photograph may be used as a trade-mark, and the subject whose photograph is used has no remedy. Such doctrine is unjust and unwise, and against the common sense of people in general, etc." While we agree with this statement, how it comes to be classed under "Meeting of

the minds" is not very clear. In §§ 320 and 323 the author expresses with considerable vigor his feeling of the great injustice to individuals and the peril to our institutions due to the formation, existence, and methods of the great industrial and monopolistic combinations of recent years.

The author seems to have been generally correct in his statements of the law of the various subjects considered. He has, however, not always been happy in the language he has used. The following occurs on page 23: "So where a deed of bargain and sale of a lunatic, when executed with all the formalities of law, and duly registered, will, like a feoffment in person, be only voidable and not void." There are many other similar slips, as on pp. 42, 51, 176, 332.

The work will have a place as gathering together many unusual matters relating more or less closely to "contract law," giving the most important decisions thereon, and making accessible many things difficult to find in the digests. Some 9,000 cases are cited, and a good index of 78 pages accompanies the work. The typographical work looks well, but it is difficult to say whether "*connecticut*" (p. 318) will wholly "*reecover*" (p. 413) from the way in which the printer has "*perfoormed*" (p. 490). H. L. WILGUS.

RECENT BOOKS ON ROMAN LAW.

ROMAN PRIVATE LAW. Founded on the "Institutes" of Gaius and Justinian. By R. W. Leage, M. A., B. C. L., of the Inner Temple; Barrister at Law, Fellow of Brasenose College, Oxford. London: Macmillan & Co. New York: The Macmillan Co. 1906, pp. xi, 429. Price \$3.25.

A SHORT HISTORY OF ROMAN LAW. By Paul Frédéric Girard, Professor of Roman Law in the Faculty of Law of the University of Paris. Translated by A. H. F. Lefroy, M. A. (Oxon), Professor of Roman Law and General Jurisprudence in the University of Toronto, and John Home Cameron, M. A., Associate Professor of French in University College, Toronto. Toronto: Canada Law Book Co., 1906, pp. 220.

The books on the elements of Roman Private Law published in English during the last two decades may be roughly classified as scholars' books, examiners' books, and teachers' books. Most of those coming from Oxford have been distinctively of the first group. Of the second class we have had but few examples in England and fewer in America. Mr. Leage's book belongs in the third category, being "an attempt to meet a want felt in teaching Roman Law at Oxford, viz., some book which is content to give, as simply as possible, the subject matter of the *Institutes* of Gaius and Justinian, following in the main the original order of treatment." There is an Historical Introduction of forty pages and then the familiar *jus quod vel ad personas pertinet vel ad res vel ad actiones* of Gaius and Justinian. The treatment of the Law of Actions is somewhat more systematic than that of the classic originals. The book is thoroughly unpretentious, and the author in his preface quotes the standard secondary authorities Moyle, Roby, Poste,